

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: November 2, 2005
Re: **CONDITIONAL USE PERMIT (CUP): Fill within the 100-year floodplain to accommodate the construction of an access road for a retail shopping center.**

I. PETITIONER

Compson Development, LC 1320 Old Chain Bridge Road Suite 400, McLean, VA 22101

Representative: Brian Beaulieu, Compson Development, LC 1320 Old Chain Bridge Road Suite 400, McLean, VA 22101

II. LOCATION

The subject property is a tract of 1 acre located adjacent to Wards Ferry Road, also known as Valuation Number 261-05-005.

Property Owners: English Development Corporation, 1522 Main Street, Altavista, VA 24517 and Wards Crossing West, 1320 Old Chain Bridge Road Suite 400, McLean, VA 22101

III. PURPOSE

The purpose of this petition is to allow for fill within the 100-year floodplain to accommodate the construction of an access road for a retail shopping center.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan*, in that road crossings may be developed within a Resource Conservation Area.
- Petition agrees with the Zoning Ordinance in that the access road is permitted in a B-3C Community Business District (contingent upon the approval of a separate rezoning petition).
- Petition proposes the construction of an access road for a retail shopping center.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Resource Conservation use for the subject property. Resource Conservation Areas are planned to remain as vegetated open space with development limited to passive recreation facilities and infrastructure that must be located in stream valleys.

The Natural Systems chapter of the Lynchburg *Comprehensive Plan* further recommends limiting new development in the floodplain, since the Federal Emergency Management Agency (FEMA) 100-year floodplain maps are no longer accurate. The Planning Division recommends that the flood model section for Rock Castle Creek be updated and submitted as a Letter of Map Revision for the project that demonstrates that the fill will provide no net increase in the stream's 100-year flood elevation.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-C, Conservation District zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. The petitioner proposes to rezone the property to B-3C, Community Business District (conditional) zoning through a separate petition.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed access road.
4. **Surrounding Area.** The following items have required City Council approval in the immediate area.
 - On October 12, 1999, Lynchburg City Council approved The Church of Jesus Christ of Latter Day Saint's CUP petition to build a 46-space parking area at 110 Melinda Drive.
 - On January 26, 1999, Lynchburg City Council approved Faison/Trammel Crowe Company's petition to rezone 58 acres from R-3, Two-Family Residential District, R-4, Medium-High Density Multi-Family Residential District, R-5, High Density Residential District and B-5, General Business District to B-5C, General Business District (Conditional) for the construction of a shopping center at the area generally bounded by Wards Ferry Road, Wards Road and Atlanta Avenue.
 - On January 26, 1999 Lynchburg City Council approved Faison/Trammel Crowe Company's CUP petition to allow fill within the 100-year floodplain to permit construction of a shopping center at the area generally bounded by Wards Ferry Road, Wards Road and Atlanta Avenue.
 - On September 11, 1984, Lynchburg City Council approved Covenant Presbyterian Church's CUP petition for the construction of a sanctuary, classrooms and an office at 108 Melinda Drive.
5. **Site Description.** The subject property is a tract of 1 acre that is currently undeveloped. The site is bounded to the north by church and residential uses, to the east and south by commercial uses and to the west by a small apartment building and undeveloped area.
6. **Proposed Use of Property.** The purpose of this petition is to allow for fill within the 100-year floodplain to facilitate the construction of a road to access a retail shopping center. The shopping center site will include 267,694 square feet of retail space, 1,341 space parking area and stormwater management/stream avoidance areas.
7. **Storm Water Management.** New impervious areas will exceed 1,000 square feet; as such, a stormwater management plan will be required for the construction. Stormwater management for the access road will be accomplished through the use of a low-impact design strategy. Preliminary observations indicate that the receiving channel is adequate for the site's stormwater. Stormwater quantity management for the shopping center will be handled through a separate site plan/permit.

Stormwater quality for the site will also be addressed through low impact design; typical quality measures for access roads in the City have included a combination of curb cuts and infiltration practices for road water discharge. Stormwater quality management for the shopping center will be handled through a separate site plan/permit.
8. **Impact.** The proposed development of the portion of the access road within the City of Lynchburg will have minimal impact on the adjacent stream corridor. The fill required to construct the road will be minimal and designed so as not to provide any additional restriction to the existing stream channel. The Planning Division recommends that impacts of the proposed fill be evaluated using the HEC-RAS (Hydrologic Engineering Center – River Analysis System) model to verify the result is a “no net rise” in the flood elevation of Rock Castle Creek. Staff further recommends that a condition be placed on the project requiring that, once the project has been constructed, the applicant apply for a Letter of Map Revision (LOMR). Once FEMA has completed their review of the LOMR they will document an official update to the 100-year floodplain maps.

New impervious areas for the proposed project will exceed 1,000 square feet; therefore, stormwater management for quantity and quality management will be required for the project. Stormwater will be managed through Low Impact Design Standards and subject to the review and approval of the Environmental Planner.

9. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on Tuesday, September 24th, 2004. Comments related to the proposed road were minor in nature and have or will be addressed by the developer prior to final site plan approval.
10. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the Compson Development's petition for fill within the 100-year floodplain to accommodate the construction of an access road for a retail shopping center, subject to the following conditions:

1. The property will be developed in substantial compliance with the site plan prepared by Mattern & Craig dated October 11, 2005.
2. The petitioner will submit to the City the following information, subject to the review and approval of the Environmental Planner and the Senior Design Engineer:
 - * *The proposed limits of the 100-year floodplain must be identified on the site plan.*
 - * *A note on the site plan detailing the water surface elevation at the upstream and downstream boundaries of the property line.*
 - * *An electronic copy of the HEC model.*
3. The petitioner will attain a Letter of Map Revision (LOMR) from the Federal Emergency Management Agency for the subject fill.
4. Stormwater runoff from the access road will be managed through Low Impact Design Standards and subject to the review and approval of the City's Environmental Planner

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. R. Douglas Dejarnette, Fire Marshal
Mr. J. Lee Newland, Director of Engineering
Lt. Danny R. Marks, Lynchburg Police Department Field Operations Bureau
Capt. Todd Swisher, Lynchburg Police Department North Division
Capt. H. W. Duff, Jr. Lynchburg Police Department East Division
Capt. Al Thomas, Lynchburg Police Department South Division
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Ms. Nicole Gilkeson, Community Development Planner
Ms. Erin B. Hawkins, Environmental Planner
Mr. Brian Beaulieu, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)